IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 3244 OF 2007

Smt. Pramilabai Ranjit Waghmare
v.
State of Mah. & ors.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.R.Pudke Advocate for the petitioner.
Mr.T.R. Kankale, A.G.P., for Res. 1 to 3.
Mr. A.M. Qazi Adv. for Res. 5,7,13,15, 17 to 20.
Mr.Shashikant Borkar Adv. for Res. no.16.

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CORAM: A.B. CHAUDHARI, J.
DATED : 30th JULY, 2007.

Heard Mr.Pudke, learned counsel for the petitioner, Mr.Kankale, learned A.G.P., for respondents 1 to 3, Mr. A.M. Qazi for respondents 5, 7, 13, 15, 17 to 20 and Mr.Shashikant Borkar for respondent no.16.

2. The learned counsel for the petitioner has raised a singular point in support of the writ petition. He contended that opportunity to speak was given to Sarpanch before the resolution of no

confidence against him was moved, and as a matter of fact, the opportunity required to be given after debate by the persons who had moved the motion of no confidence, was not given. According to him, there is a glaring error in following the procedure and thus the Presiding Officer had put the cart before the horse.

3. *Per contra*, Mr.Qazi, learned counsel, pointed out to me copy of the proceedings book which shows that the petitioner was specifically offered the opportunity to speak. He availed of the same and denied the charges levelled against him. The petitioner did not raise this point during the course of meeting so that the Presiding Office could have again given him an opportunity to speak. The decision of this Court in the case of **Ashok Krishnakant Mehta v. State of Maharashtra** reported in **2000(4) Mh.L.J. 197** is of no assistance to

the petitioner since in that case the petitioner was not at all given opportunity. For all these reasons, I do not find any substance in the present writ petition and the same is dismissed.

JUDGE

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